

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

TEVA BRANDED
PHARMACEUTICAL PRODUCTS
R&D, INC., NORTON
(WATERFORD) LTD., and TEVA
PHARMACEUTICALS USA, INC.

Plaintiffs,

v.

AMNEAL PHARMACEUTICALS OF
NEW YORK, LLC, AMNEAL
IRELAND LIMITED, AMNEAL
PHARMACEUTICALS LLC, and
AMNEAL PHARMACEUTICALS
INC.

Defendants.

Civil Action No. 23-cv-20964-SRC-
MAH

**[PROPOSED] ORDER
GRANTING DEFENDANTS'
MOTION FOR JUDGMENT ON
THE PLEADINGS PURSUANT
TO FED. R. CIV. P. 12(c) AS TO
COUNTERCLAIMS 1-5**

THIS MATTER having come before the Court by Defendants Amneal Pharmaceuticals of New York, LLC, Amneal Ireland Limited, Amneal Pharmaceuticals LLC, and Amneal Pharmaceuticals Inc. (collectively, “Defendants”) seeking an Order granting judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) as to Counts 1-5 of Defendants’ Counterclaims (ECF No. 12); and the Court having considered the submissions and arguments of the parties; and for good cause shown;

IT IS on this _____ day of _____, 2024,

ORDERED that Defendants' Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c) as to Counterclaims 1-5 is hereby **GRANTED**; and it is further

ORDERED that judgment is entered in Defendants' favor as to Counts 1-5 of Defendants' Counterclaims (ECF No. 12); and it is further

ORDERED that U.S. Patent Nos. 8,132,712, 9,463,289, 9,808,587, 10,561,808, and 11,395,889 (collectively, the "Asserted Patents") were not and are not properly listed in the Orange Book in connection with NDA No. 021457 for ProAir® HFA (the "ProAir® HFA NDA"); and it is further

ORDERED that, pursuant to 21 U.S.C. § 355(j)(5)(C)(ii), Plaintiffs Teva Branded Pharmaceutical Products R&D, Inc., Norton (Waterford) Limited, and Teva Pharmaceuticals USA, Inc. must delete or withdraw all of the Asserted Patents from the Orange Book in connection with the ProAir® HFA NDA and, in compliance with 21 C.F.R. § 314.53(f)(2)(i), submit to the Food and Drug Administration an amendment to that effect to the ProAir® HFA NDA.

SO ORDERED

HONORABLE STANLEY R. CHESLER, U.S.D.J.